

# Storage Tank Enforcement: U.S. Environmental Protection Agency and Millington, Maryland, Owner Enter into Expedited Settlement Agreement



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The United States Environmental Protection Agency (“EPA”) and Empire Petroleum Partners, LLC (“Empire”) entered into an October 6th Expedited Settlement Agreement (“ESA”) addressing an alleged violation of the Maryland Underground Storage Tank (“UST”) regulations. See Docket No. RCRA-03-2022-0009.

The ESA provides that Empire is the owner and/or operator of USTs in Millington, Maryland (“Facility”).

An EPA representative is stated to have conducted a UST Compliance Inspection on September 29, 2020, at the Empire facility utilizing USTs. Further, the federal agency is stated to have provided an Information Request Letter to Empire on February 24, 2021.

Empire provided information that the following USTs are located at the Facility:

1. A 10,000-gallon tank that was installed in or about April 2007, and that, at all times relevant hereto, routinely contained regular-grade gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42. U.S.C. § 6991(7), and COMAR § 26.10.02.04.B(48) (hereinafter “UST No. 1”).
2. A 10,000-gallon tank that was installed in or about April 2007, and that, at all times relevant hereto, routinely contained diesel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42. U.S.C. § 6991(7), and COMAR § 26.10.02.04.B(48) (hereinafter “UST No. 2”).
3. A 10,000-gallon tank that was installed in or about April 2007, compartmentalized into two sections of 6,000 gallons and 4,000 gallons. At all times relevant hereto, the 6,000-gallon compartment routinely contained premium gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42. U.S.C. § 6991(7), and COMAR § 26.10.02.04.B(48) (hereinafter “UST No. 3A”). At all times relevant hereto, the 4,000-gallon compartment routinely contained kerosene, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42. U.S.C. § 6991(7), and COMAR § 26.10.02.04.B(48) (hereinafter “UST No. 3B”).

EPA is stated to have identified the following violation:

- From at least April 1, 2020 until August 31, 2020, Respondent failed to conduct monthly tank release detection on UST No. 3B, in violation of COMAR § 26.10.05.02.B.

Empire neither admits nor denies the specific factual allegations in the ESA.

A civil penalty of \$940 is assessed.

A copy of the ESA can be downloaded [here](#).